

Message Text

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ORIGIN L-03

INFO OCT-01 EUR-12 ISO-00 EB-08 DLOS-09 OES-06 IO-13
CG-00 DOTE-00 EPA-01 CIAE-00 COME-00 DODE-00
FMC-01 INR-07 NSAE-00 OIC-02 ERDA-05 INT-05
TRSE-00 SS-15 NSC-05 H-01 PRS-01 PA-01 /096 R

DRAFTED BY L/OES:TLEITZELL:BST
APPROVED BY EB/TCA/MA:CTAYLOR,JR.
D/LOS:MR.BLUMBERG
OES/ENP/EN:GKINTER
IO/TRC:CHARTLEY
USCG:JRCOSTELLO(SUBS)
L/EB:JRCROOK
OES/OFA/OCA:GDALTON
EUR/WE:MR.DURKEE

-----162029Z 107793 /47

R 160319Z APR 77
FM SECSTATE WASHDC
TO AMEMBASSY MADRID
INFO AMEMBASSY LONDON

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ATTN: MSC DELEGATION

E.O. 11652: N/A

TAGS: EEWT, SENV, IMCO, PLOS, SP

SUBJECT: ADMINISTRATION INITIATIVE ON MARINE OIL
POLLUTION

REF: MADRID 2725

1. DEPARTMENT IS CONCERNED THAT GOS MAY BE CONFUSING LAW
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OF THE SEA AND VESSEL POLLUTION QUESTIONS. REQUEST EMBASSY
ASAP APPROACH GOS OFFICIALS AGAIN TO MAKE FOLLOWING
POINTS AND ENCOURAGE THEM TO PASS INFORMATION TO SPANISH
DELEGATION TO MSC.

2. ON ISSUE OF FREEDOM OF NAVIGATION, USG HAS NOT, RPT
NOT, CHANGED ITS POSITION REGARDING FREEDOM OF

NAVIGATION. IN LOS NEGOTIATIONS, USG HAS INDICATED SUPPORT IN PRINCIPLE FOR GENERAL APPROACH TO VESSEL POLLUTION REGIME SET OUT IN PART III OF RSNT. CONSEQUENTLY USG CONTINUES TO BELIEVE THAT COASTAL STATES SHOULD NOT HAVE AUTHORITY TO ESTABLISH VESSEL POLLUTION REGULATIONS FOR VESSELS IN THE ECONOMIC ZONE AND THAT ENFORCEMENT RIGHTS FOR COASTAL STATES IN THAT AREA SHOULD BE LIMITED TO SERIOUS VIOLATIONS OF INTERNATIONAL DISCHARGE REGULATIONS.

3. PRESIDENTIAL INITIATIVE IS BASED SOLELY ON OUR RIGHTS WITH REGARD TO VESSELS USING U.S. PORTS. NEW REGULATIONS AND ENFORCEMENT ACTIONS WOULD ONLY BE APPLICABLE TO VESSELS USING OUR PORTS. SINCE USG CONSIDERS PORTS TO BE INTERNAL WATERS IN WHICH IT CAN ESTABLISH DOMESTIC REGULATIONS FOR ALL VESSELS SUBJECT ONLY TO SPECIFIC INTERNATIONAL OBLIGATIONS UNDERTAKEN, IT DOES NOT VIEW ITS PROPOSED STANDARDS AS INCONSISTENT WITH THE PROVISIONS OF THE 1973 CONVENTION. AS NOTED IN PRESIDENTIAL MESSAGE, USG SUPPORTS RATIFICATION OF 1973 CONVENTION AS AN IMPORTANT MULTILATERAL STEP TOWARD REDUCING RISK OF MARINE OIL POLLUTION.

4. AS TO QUESTION OF INTERNATIONAL EFFORT, USG WILL SUBMIT SUBSTANCE OF PROPOSED DOMESTIC REGULATIONS FOR INTERNATIONAL CONSIDERATION THROUGH IMCO. U.S. WILL MAKE GOOD FAITH EFFORT TO NEGOTIATE GENERALLY ACCEPTABLE INTERNATIONAL MEASURES WHICH WILL PROVIDE EQUIVALENT DEGREES OF ENVIRONMENTAL PROTECTION. WHILE YOU SHOULD LIMITED OFFICIAL USE

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ASSURE GOS THAT WE WILL MAKE GOOD FAITH EFFORT IN NEGOTIATIONS, USG DOES INTEND TO ACT THROUGH DOMESTIC LAW REGARDING VESSELS USING OUR PORTS IF INTERNATIONAL PROCESS IS NOT SUCCESSFUL.

5. FOLLOWING ARE RESPONSES TO SPECIFIC QUESTIONS IN PARA 4 OF REFTL. FIRST, THE USG WILL ASK FOR A CONFERENCE IN LATE 1977 TO CONSIDER SPECIFIC U.S. PROPOSALS FOR DEVELOPMENT INTO INTERNATIONAL STANDARDS, WHICH WOULD EITHER MATCH U.S. STANDARDS OR PROVIDE EQUIVALENT DEGREES OF ENVIRONMENTAL PROTECTION. SECOND, ON CREW STANDARDS, USG HOPES THAT NEXT YEAR'S CONFERENCE WILL DEVELOP COMPLETELY SATISFACTORY REQUIREMENTS FOR TRAINING AND QUALIFICATIONS. HOWEVER, USG WILL CONSIDER POSSIBILITY OF UNILATERAL ACTION REGARDING CREWS ON VESSELS USING U.S. PORTS IF 1978 CONFERENCE IS NOT SUCCESSFUL IN DEVELOPING COMMENSURATE STANDARDS. THIRD, INSPECTION PROGRAM WILL CONCENTRATE ON VESSELS ACTUALLY IN PORT BUT USG MAY INSPECT VESSELS

BEFORE ARRIVAL IN U.S. PORTS IN SOME INSTANCES AS A
CONDITION OF PORT ENTRY. FOURTH, IT IS OFTEN DIFFICULT
TO DISTINGUISH BETWEEN SAFETY AND ENVIRONMENTAL PROTEC-
TION REGULATIONS. DEPARTMENT SUGGESTS THAT LABELS ARE
NOT IMPORTANT AND THAT GOS SHOULD CONSIDER SPECIFIC
REGULATIONS WHEN THEY ARE PROPOSED. FIFTH, USG IS
PROPOSING DOMESTIC LEGISLATION FOR COMPREHENSIVE
OIL POLLUTION LIABILITY AND COMPENSATION SCHEME WHICH
WILL NOT ACCEPT INTERNATIONAL REQUIREMENTS AS BEING
COMPLETELY ADEQUATE. DETAILS OF THIS PROPOSAL WILL BE
FORWARDED TO CONCERNED POSTS IN VERY NEAR FUTURE.

6. ON POINT RAISED IN PARA 5, USG INTENDS THAT MSC AND
MEPC WOULD CONSIDER TECHNICAL ASPECTS OF USG PROPOSALS.
HOWEVER, WE ARE CONSIDERING ASKING FOR JOINT MEETING OF
MSC/MEPC IN EARLY FALL WHICH WOULD SERVE AS PREPARATORY
MEETING FOR CONFERENCE IN ADDITION TO HOLDING TECHNICAL
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DISCUSSIONS. WE HOPE THAT DELEGATIONS TO JOINT MEETING
WOULD WORK ON TECHNICAL LANGUAGE BUT WOULD ALSO BE
PREPARED TO UNDERTAKE CONSIDERATION OF BROADER ISSUES.

CHRISTOPHER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LAW OF THE SEA, FREEDOM OF NAVIGATION, POLICIES, WATER POLLUTION, PETROLEUM, OIL SPILLS, CARGO SHIPS, SHIP ACCIDENTS
Control Number: n/a
Copy: SINGLE
Sent Date: 16-Apr-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Errors: N/A
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Film Number: D770133-0499
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Handling Restrictions: n/a
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ISecure: 1
Legacy Key: link1977/newtext/t19770449/aaaabqrd.tel
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Litigation Codes:
Litigation History:
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TAGS: EEWT, SENV, PLOS, SP, IMCO
To: MADRID
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vdkgvkey: odbc://SAS/SAS.dbo.SAS_Docs/4bd5cba3-c288-dd11-92da-001cc4696bcc
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